

Attorney Docket No.: DC-0190
Inventors: Hamilton and Stanton
Serial No.: 10/089,475
Filing Date: August 12, 2002
Page 6

REMARKS

Claim 9 is pending in the instant application. Claim 9 has been rejected. Reconsideration is respectfully requested in light of the following remarks.

The Examiner states the application is not in condition for allowance since Caplan et al. antedates the Applicants' priority date. The Examiner further states the claim for priority for the provisional application is not in the specification nor in the application data sheet and thus does not receive priority.

In an earnest effort to facilitate prosecution, Applicants have filed a Petition for an Unintentionally Delayed Benefit Claim on February 25, 2009 and paid the required petition fee. Applicants are also re-presenting the amendment to the specification which explicitly recites the priority claim. Therefore, Caplan et al. is not a valid prior art reference.

Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly,

Attorney Docket No.: DC-0190
Inventors: Hamilton and Stanton
Serial No.: 10/089,475
Filing Date: August 12, 2002
Page 7

favorable reconsideration and subsequent allowance of the
pending claim is earnestly solicited.

Respectfully submitted,



Jane Massey Licata
Registration No. 32,257

Date: **February 25, 2009**

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515